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REPLY TO: Newport News

Direct Dial No. 873-8044
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June 26, 2003

Tim Cross
Post Office Box 532
Yorktown, VA 23693

Re: Colony Pines of York

Dear Mr. Cross:

We enclose herewith Application for Change of Zoning for Colony Pines of York (Ordinance 092-35R).

One change relates to distance between two adjacent single-family units. Since the original provision was incorporated, the County's Residential Open Space Ordinance has been enacted, resulting in attractive communities such as the Greenlands and Sherwood Forest. Thus, the Owners are requesting that the provision for minimum distance between any two buildings be the same for this property as it is in ARTICLE IV. PERFORMANCE STANDARDS FOR USES, Sec. 24.1-402 (c) (6). What is occurring in Colony Pines of York is that many of the same builders who have developed Sherwood Forest and Greenlands desire to build in Colony Pines of York, and it makes sense to have the same minimum separation. The Performance Standards for open space had not been developed when Colony Pines of York was rezoned, and thus, was unavailable, but it constitutes an improvement over the language we used at that time. We request that it be incorporated to govern future development in Colony Pines of York.

The second change relates to maximum lot coverage. There is no restriction on maximum lot coverage in the Performance Standards for open space development in Colony Pines of York. While it would make sense to eliminate this concept in Colony Pines (just as it is in the ROS), we request the ratio be changed from 25% to 35%.

What has occurred since the Colony Pines rezoning in 1993 is that there is a demand for larger homes and that is what the public expects and enjoys. Moreover, this is advantageous to the County of York since the homes built are larger; therefore, more valuable producing a greater tax return to the County. As a practical matter, if the 25% ratio remains, there will be no one-story homes and any two-story homes could be handicapped.

To avoid any questions as to whether eaves and overhangs are included in the computation, we have added a sentence to clarify that foundations are the measurement.

We look forward to the opportunity of meeting with you and other members of Staff. We will have our architect and builders present to illustrate the problems that both provisions present. We can show by example and it will make it more understandable. We believe both Sherwood Forest and Greenlands are ideal communities. Our desire is to make Colony Pines of York equal or superior.

Very truly yours,

JONES, BLECHMAN, WOLTZ & KELLY, P.C.



B. M. Millner

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